

1  
2  
3  
4  
5  
6  
7  
8 **United States District Court**  
9 **Central District of California**  
10 **Western Division**  
11

12 CALABASAS LUXURY  
13 MOTORCARS, INC.,

14 Plaintiff,

15 v.

16 GENERAL MOTORS LLC, *et al.*,

17 Defendants.

CV 22-06622 TJH (PDx)

**Order**

[18] [21] [JS-6]

18  
19 The Court has considered the motion of Defendant General Motors LLC [“GM  
20 LLC”] to dismiss and to strike the class allegations [dkt. # 21], the motion of Defendant  
21 AmeriCredit Financial Services, Inc. dba GM Financial [“AmeriCredit”] to dismiss [dkt.  
22 # 18], and AmeriCredit’s joinder in GM LLC’s motion to strike, together with the moving  
23 and opposing papers.

24 On December 10, 2021, Calabasas Luxury Motorcars, Inc. [“Calabasas”] filed its  
25 first lawsuit against GM LLC and AmeriCredit. *Calabasas Luxury Motorcars, Inc. v.*  
26 *Gen. Motors LLC, et al.*, Case No. CV 22-06622 TJH (PDx). That first lawsuit alleged  
27 an antitrust claim under the Cartwright Act, Cal. Bus. and Prof. Code § 16700, *et seq.*  
28 [“Cartwright Act”], and a claim under California’s Unfair Competition Law, Cal. Bus.

1 and Prof. Code § 17200, *et seq.* [“UCL”]. On August 25, 2022, the Court dismissed that  
2 first lawsuit, without prejudice. *Calabasas Luxury Motorcars, Inc. v. Gen. Motors LLC*,  
3 No. CV 21-9566 TJH (PDx), 2022 WL 17348983, at \*3 (C.D. Cal. Aug. 25, 2022).

4 On September 15, 2022, Calabasas filed the instant lawsuit, alleging a single UCL  
5 claim.

6 GM LLC and AmeriCredit, now, move to dismiss for failure to state a claim and  
7 to strike the class allegations.

8 Only equitable remedies – equitable restitution and injunctive relief – are available  
9 for UCL claims. *Madrid v. Perot Sys. Corp.*, 130 Cal. App. 4th 440, 452 (2005). The  
10 Court can entertain claims for equitable remedies only if it has equitable jurisdiction.  
11 *Guzman v. Polaris Indus. Inc.*, 49 F.4th 1308, 1313 (9th Cir. 2022). Equitable  
12 jurisdiction exists only when a plaintiff lacks an adequate legal remedy, *Guzman*, 49 F.4th  
13 at 1313, and affirmatively pleads that it lacks an adequate legal remedy, *Sonner v. Premier*  
14 *Nutrition Corp.*, 971 F.3d 834, 844 (9th Cir. 2020).

15 Here, Calabasas seeks injunctive relief. It alleged that it lacked an adequate legal  
16 remedy because GM LLC’s and AmeriCredit’s allegedly anticompetitive behavior will  
17 continue unless they are enjoined. However, that allegation merely explained why  
18 Calabasas wants an injunction. As numerous District Courts have held, when a plaintiff  
19 seeks an equitable remedy, it must establish, in its complaint, that no legal remedy, such  
20 as money damages, would make it whole. *See, e.g., Clark v. Am. Honda Motor Co.*,  
21 528 F. Supp. 3d 1108, 1121 (C.D. Cal. 2021). Here, Calabasas made no such allegation.  
22 Moreover, in its opposition brief, Calabasas did not even attempt to argue that it lacked  
23 an adequate legal remedy, even though both GM LLC and AmeriCredit raised the issue  
24 in their moving briefs.

25 Consequently, the Court lacks equitable jurisdiction over Calabasas’s UCL claim.

26  
27 Accordingly,  
28

It is Ordered that this case be, and hereby is, **Dismissed** for lack of equitable jurisdiction.

It is further Ordered that the motion to strike the class allegations be, and hereby is, Denied as moot.

April 10, 2023

*Terry J. Hatter, Jr.*  
Terry J. Hatter, Jr.  
Senior United States District Judge